

03-07-06

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Patents

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group Art Unit: 3727

Examiner: N. Eloshway

P.D. File No.: 30-3744CIP

In re Application of: IGOR PALLEY ET AL.

Serial No.: 08/717,042

Filed: September 20, 1996

For: BLAST RESISTANT AND BLAST DIRECTING CONTAINER  
AND ASSEMBLIES

Colonial Heights, VA 23834  
March 3, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED  
APPLICATION UNDER 37 C.F.R. 1.137(b)**

Sir:

Applicants respectfully petition, through his attorney of record, the Commissioner for Patents to revive the above-identified application.

The undersigned hereby states that the entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137 (b) was unintentional. The application became unintentionally abandoned for failure to respond to the Office Action, dated January 29, 2004, which is attached hereto as Tab 1. Also, enclosed are facts submitted in the Petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed January 30, 2006, dismissed by the USPTO.

A continuing application is attached hereto as Tab 2.

Please charge the petition fee under 37 CFR 1.17(m) of \$1,500.00 to Deposit Account No. 01-1125. This sheet is attached in triplicate.

03/08/2006 MBIZUNES 00000013 011125 08717042

01 FC:1453 1500.00 DA

**BEST AVAILABLE COPY**

In view of the above and attached supportive documentation, a favorable decision is respectfully requested.

Respectfully submitted,  
IGOR PALLEY ET AL

By: Virginia Szigeti  
Virginia Szigeti  
Applicants' Attorney  
Reg. No. 29,039

Honeywell International Inc.  
Law Dept.  
15801 Woods Edge Road  
Colonial Heights, VA 23834  
804-520-3651

VS/rbk

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICES AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO:  
ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON,  
D.C. 20231

March 6, 2006

ON: \_\_\_\_\_ DATE \_\_\_\_\_  
**Virginia Szigeti**  
NAME OF APPLICANT, ASSIGNEE OR APPLICANT'S ATTORNEY

Virginia Szigeti  
SIGNATURE \_\_\_\_\_  
March 6, 2006  
DATE \_\_\_\_\_



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/717,042	09/20/1996	ISOR PALLEY	30-3744CIP	6496
7590	02/19/2004			
VIRGINIA S. ANDREWS ALLIEDSIGNAL INC LAW DEPARTMENT P O BOX 31 PETERSBURG, VA 23804			EXAMINER	
			ELOSHWAY, NIKI MARINA	
			ART UNIT	PAPER NUMBER
			3727	
DATE MAILED: 02/19/2004				



Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/717,042	09/20/1996	IGOR PALLEY	30-3744CIP	6496

7590 01/29/2004

VIRGINIA S. ANDREWS  
ALLIEDSIGNAL INC  
LAW DEPARTMENT  
P O BOX 31  
PETERSBURG, VA 23804

EXAMINER

ELOSHWAY, NIKI MARINA

ART UNIT PAPER NUMBER

3727

DATE MAILED: 01/29/2004

RECEIVED

FEB 12 2004

TECHNOLOGY CENTER R3700

Please find below and/or attached an Office communication concerning this application or proceeding.

remailed  
2/19/04

<b>Office Action Summary</b>	Application No.	Applicant(s)
	08/717,042	PALLEY ET AL. <i>CR</i>
	Examiner Niki M. Eloshway	Art Unit 3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 05 November 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,3-11,13-47 and 51-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-11,13-47 and 51-53 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: *PTT.1*

## DETAILED ACTION

### *Introduction*

1. This Action was necessitated by the newly presented argument regarding claims 21, 22 and 24, set forth in the Appeal Brief filed November 5, 2003.

### *Election/Restriction*

2. Claims 12, 48-50 and 54-66 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected species. Election was made without traverse in Paper No. 11.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-6, 8, 20-28, 30, 47, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of MacDonald et al. (U.S. 3,822,807). Sacks discloses the claimed invention except for the blast mitigating material. MacDonald et al. teach that it is known to provide a container with foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Sacks with the foam of MacDonald et al., in order to prevent a rise in pressure within the container.

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Sacks teaches a container set forth in col. 1 line 43 through col. 2 line 23. The bands of Sacks can be made of SPECTRA, as set forth in col. 1 lines 33-42. This SPECTRA material is the same material used in applicant's invention, and therefore has the same characteristics.

Regarding claims 21, 22 and 24, Applicant states in the Appeal Brief filed November 5, 2003 that at the time of the Sacks invention the "SPECTRA SHIELD material would have been characterized by a maximum of 50 percent of its continuous fiber lengths running in one direction - the balance would have been at approximately a 90° angle to the direction of these fiber lengths." Evidence has not been presented by Applicant to defend such a statement.

5. Claims 10, 11, 13-19, 33-43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of MacDonald et al. (U.S. 3,822,807) and Lewis (U.S. 0,674,009). Sacks discloses the claimed invention except for the blast mitigating material and except for the strips of material forming bands. MacDonald et al. teach that it is known to provide a container with foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Sacks with the foam of MacDonald et al., in order to prevent a rise in pressure within the container.

Lewis teaches that it is known to provide a container, made of three bands, wherein the first and second bands form tubes (see elements B and C). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Sacks with the first and second strips forming bands, as taught by Lewis, in order to protect the entire inner container, including the bottom wall thereof.

6. Claims 1, 3, 4, 7, 9, 20, 23, 27, 29, 31, 47 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks in view of Gettle et al. Sacks discloses the claimed invention except for the blast mitigating material. Gettle et al. teach that it is known to provide a container with aqueous foam (see line 11 of the Abstract). It would have been obvious to one having ordinary skill in the art at

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the time the invention was made to provide the container of Sacks with the aqueous foam of Gettle et al., in order to attenuate pressure waves.

7. Claims 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of MacDonald et al. (U.S. 3,822,807), as applied to claim 20, and further in view of Harpell et al. (U.S. 4,623,574). To the degree that applicant argues that the SPECTRA material used by Sacks did not have at least 75 percent of its fibers substantially continuous. Harpell et al. teaches that it is known to provide a material wherein the fibers are wound around an article. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Sacks with at least 75 percent of the fibers being substantially continuous, in order to increase the strength of the band.

8. Claims 32, 33, 35, 38, 42, 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks in view of Gettle et al. and Lewis. Sacks discloses the claimed invention except for the blast mitigating material and except for the strips of material being bands. Gettle et al. teach that it is known to provide a container with aqueous foam (see line 11 of the Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Sacks with the aqueous foam of Gettle et al., in order to attenuate pressure waves.

Lewis teaches that it is known to provide a container, made of three bands, wherein the first and second bands form tubes (see elements B and C). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Sacks with the first and second strips forming bands, as taught by Lewis, in order to protect the entire inner container, including the bottom wall thereof.

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***Response to Arguments***

9. Applicant's arguments filed November 5, 2003 have been fully considered but they are not persuasive.

**A. Claims 1, 3-6, 8, 20-28, 30, 47, 51 and 52**

Applicant argues that Sacks "fails to teach a collapsible container or a container of blast resistant material" (page 6 of Appeal Brief, filed November 5, 2003). It is the examiner's position that that the cover of Sacks meets the limitations of the collapsible container set forth in the claims. A container is defined in Webster's Ninth New Collegiate Dictionary (1990) as "one that contains; esp : a receptacle or a flexible covering for the shipment of goods" (see Attachment 1). The cover of Sacks contains the rigid container and it is a flexible covering for the shipment of goods. This cover of Sacks is made from "high tensile strength, high stretch resistant flexible material", as described on page 6 of the Appeal Brief filed November 5, 2003. This material allows the cover to be considered collapsible, as set forth in the pending claims.

Regarding claims 21, 22 and 24, Applicant argues that Sacks does not teach or suggest that at least about 75 weight percent of the fibers are continuous lengths of fiber that encircle the enclosed volume. In col. 1 line 65 through col. 2 line 7, Sacks sets forth a cover comprised of three panels of material. The third panel is wound around the enclosed volume and has its ends connected together. This third panel encircles the volume by forming a closed loop or closed bland of material. Sacks teaches the use of woven and non-woven fabric, such as SPECTRA and SPECTRASHIELD (col. 1 lines 37-39).

Applicant argues that "SPECTRA SHIELD material would have been characterized by a maximum of 50 percent of its continuous fiber lengths running in one direction - the balance would have been at approximately a 90° angle to the direction of these fiber lengths" (page 6 of the Appeal Brief filed November 5, 2003) at the time of the Sacks invention. The patent of Harpell et al. (U.S.

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4,623,574) teaches that it was known by 1986 that layers of fibers could be arranged to extend in parallel direction. Harpell et al. also teaches that continuous lengths of yarn could be wrapped around an article.

Regarding the McDonald reference, Applicants argue that the foam balls of MacDonald et al. "will not make the standard container disclosed by Sacks effective to withstand a blast" (page 7 of Appeal Brief filed November 5, 2003). The examiner disagrees with this position. The foam balls of MacDonald would aid in reducing or mitigating the effects of a blast, to the degree set forth in the claims. Applicant sets forth that Example 11 of the present application prevents fire, and that Examples 12-16 provide protection against explosive charges weighting two to four times that which can be contained without foam. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claims 47, 51 and 52, Applicant argues that the claimed container has two open sides. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 47 is an open claim which sets forth a band of material. It does not set forth that the container is open on two sides. Sacks teaches a band of material in col. 2 lines 4-7. It is unclear why the cover of Sacks is not considered a container by Applicants but the band of material can be considered a container by Applicants.

B. Claims 10-11, 13-19, 33-43 and 45

Applicant argues that the panels of Sacks are not bands. The examiner disagrees with this position. Sacks teaches a third panel which encircles the volume and has its ends connected together

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(col. 2 lines 4-7). In addition, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). These claims are rejected over Sacks as modified by MacDonald and Lewis. The reference of Lewis teaches a container formed by three thin, flat, volume-encircling strips or bands. The first and second panels of Sacks are modified by the structure of the panels of Lewis, such that the first and second panels of Sacks become volume-encircling. Furthermore, it should be noted that applicants have not set forth in the claims or in the definition of band that the bands must be a closed loop.

C. Claims 1, 3-4, 7, 9, 20, 23, 27, 29, 31, 47 and 53

Regarding the Gettle et al. reference, Applicant sets forth that Example 11 of the present application prevents fire, and that Examples 12-16 provide protection against explosive charges weighting two to four times that which can be contained without foam. It is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

D. Claims 32-33, 35, 38, 42, 44 and 46

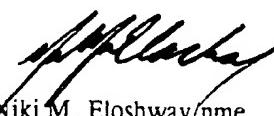
In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

*Conclusion*

10. In view of the new grounds of rejection for claims 21, 22 and 24, which was necessitated by the newly presented argument regarding the SPECTRA Fibers, **THIS ACTION IS MADE NON-FINAL.**

11. In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses to Office Actions directly to (703)872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX will be promptly forwarded to the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is (703) 308-1606. The examiner is in the office on Tuesdays and Fridays. Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Customer Service Office at (703) 306-5648.



Niki M. Eloshway/nme  
Patent Examiner  
January 23, 2004



LEE YOUNG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/717,042	09/20/1996	IGOR PALLEY	30-3744CIP	6496
7590	10/01/2004		EXAMINER	
VIRGINIA S. ANDREWS ALLIEDSIGNAL INC LAW DEPARTMENT P O BOX 31 PETERSBURG, VA 23804			ELOSHWAY, NIKI MARINA	
			ART UNIT	PAPER NUMBER
			3727	
			DATE MAILED: 10/01/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

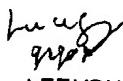
<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	08/717,042	PALLEY ET AL.	
	Examiner Niki M. Eloshtay	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 19 February 2004.  
 (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.  
 (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
     (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).  
 (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).  
 (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).  
 (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).  
 (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
     The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.  
 (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).  
 (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.  
 (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

  
**Niki M. Eloshtay**  
 Patent Examiner

  
**LEE YOUNG**  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 3700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

USSN: 08/717,042 Filed 9/20/96  
Title: Blast Resistant and Blast Directing Container  
and Assemblies  
Inventors: Igor Palley et al.  
Date Mailed: 1/27/06  
Enclosures: Petition to Withdraw Holding of Abandon-  
ment-Office Action Not Received (in triplicate),  
Change of Correspondence Address, Notice of  
Abandonment dated 10/1/04, Office Action dated  
1/29/04 and remailed 2/19/04, Copy of USPTO's  
website showing transactions for referenced case,  
Letter dated 12/3/02 to U.S. Post Office, copy of  
internal database record showing last entry date  
of 7/25/05, copy of jacket cover showing entries  
of transactions.  
PD File: 30-3744CIP

Patents

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group Art Unit: 3727

Examiner: N. Eloshway

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In re Application of: IGOR PALLEY ET AL.

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For: BLAST RESISTANT AND BLAST DIRECTING CONTAINER AND ASSEMBLIES

Colonial Heights, Virginia 23834  
January 25, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT - OFFICE ACTION NOT RECEIVED**

Sir:

I hereby petition to withdraw the holding of abandonment in the above-referenced case and to revive same. The Notice of Abandonment dated October 1, 2004, was discovered by Applicants on January 23, 2006, as a result of searching status results on a Supplemental Information Disclosure Statement mailed filed July 25, 2005, on USPTO.gov web site.

Applicants' Legal Assistant, Becky Kirk reviewed this case and discovered no actions had been received subsequent to applicants' response on July 25, 2005. On January 23, 2006, Becky Kirk, Legal Assistant for applicant, discovered that this case had become abandoned by failure to respond to the Office Action of January 29, 2004, and a second mailing attempt on February 19, 2004. It was then discovered the Office Action and Notice of Abandonment were addressed to P.O. Box 31, Petersburg, VA instead of 15801 Woods Edge Road, Colonial Heights, VA. This is the reason that applicants did not receive the Office Action or the Notice of Abandonment, and therefore, request a Petition to Withdraw Holding of Abandonment for failure to receive the Office Action of January 29, 2004 and Notice of Abandonment of October 1, 2005.

I hereby state that the Examiner's Action of Janaury 29, 2004 and second mailing of February 19, 2004 and the Notice of Abandonment of October 1, 2004 were not received. An extensive search of the file jacket and the docket records in my office

indicates that this Office Action and Abandonment were not received, as a result of the wrong mailing address. I attach a copy of the outside of the file jacket, where the decision would have been entered had it been received and docketed. Also attached is a page print from our IPMaster Data Control database that lists actions due and responses completed.

Applicants address changed from P.O. Box 31, Petersburg, VA 23842 to 15801 Woods Edge Road, Colonial Heights, VA 23834. The forwarding address expired on January 2, 2003, as evidenced by the letter dated December 3, 2002, from Jeffrey A. Harrison to the US Post Office. Applicants failed to submit a Change of Address form to the USPTO prior to the expiration of its Petersburg, VA address. Applicant attaches herewith a corrected Change of Correspondence Address form.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn and the case revived, a copy of the Office Action be sent to Applicants, and the statutory period for response be reset to the re-mailing of the office action.

Applicants respectfully request that the petition fee of \$130.00 be charged to Account No. 01-1125. A duplicate copy of this petition is enclosed. Please charge Account No. 01-1125 for any fee deficiency or credit this account for any overpayment for this petition.

Respectfully submitted,  
IGOR PALLEY ET AL.

By: Virginia Szigeti  
Virginia Szigeti (Andrews)  
Applicants' Attorney  
Reg. No. 29,039

Honeywell International Inc.  
15801 Woods Edge Road  
Colonial Heights, VA 23834

VS/rbk

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
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Alexandria, VA 22313-1450

Application Number	08/717,042
Filing Date	9/20/96
First Named Inventor	IGOR PALLEY
Art Unit	3727
Examiner Name	N. ELOSHWAY
Attorney Docket Number	30-3744CIP

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Firm or  
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Address 15801 WOODS EDGE ROAD

City COLONIAL HEIGHTS

State VA

Zip 23834

Country U.S.A.

Telephone 804-520-3651

Email VIRGINIA.SZIGETI@HONEYWELL.COM

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I am the:

- Applicant/Inventor
- Assignee of record of the entire interest.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- Attorney or agent of record. Registration Number 29,039
- Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number \_\_\_\_\_

Signature

Typed or Printed  
Name

VIRGINIA SZIGETI

Date

01/26/06

Telephone 804-520-3651

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. see below\*

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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08/717,642

BLAST RESISTANT AND BLAST DIRECTING C

<a href="#">Application Data</a>	<a href="#">Transaction History</a>	<a href="#">Image File Wrapper</a>	<a href="#">Continuity Data</a>	<a href="#">Address &amp; Attorney/Agent</a>
----------------------------------	-------------------------------------	------------------------------------	---------------------------------	--

Date	Content
10-01-2004	<b>Mail Abandonment for Failure</b>
09-30-2004	Abandonment for Failure to Res
02-19-2004	<b>Mail Notice of Restarted Resp</b>
02-18-2004	Letter Restarting Period for Res
01-29-2004	<b>Mail Non-Final Rejection</b>
01-26-2004	Non-Final Rejection
11-18-2003	<b>Date Forwarded to Examiner</b>
11-05-2003	Appeal Brief Filed
11-05-2003	<b>Request for Extension of Time</b>
05-06-2003	Notice of Appeal Filed
05-06-2003	<b>Request for Extension of Time</b>
11-04-2002	Mail Final Rejection (PTOL - 326)
11-04-2002	<b>Final Rejection</b>
08-28-2002	Date Forwarded to Examiner
08-27-2002	<b>Response after Non-Final Acti</b>
08-27-2002	Request for Extension of Time -
04-09-2002	<b>Mail Non-Final Rejection</b>
04-08-2002	Non-Final Rejection
01-29-2002	<b>Date Forwarded to Examiner</b>
12-27-2001	Response after Non-Final Action
12-27-2001	<b>Request for Extension of Time</b>
06-27-2001	Mail Non-Final Rejection
06-26-2001	<b>Non-Final Rejection</b>
05-23-2001	Date Forwarded to Examiner
04-30-2001	<b>Appeal Brief Filed</b>



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08/717,042

BLAST RESISTANT AND BLAST DIFUSION DEVICE

Application Data	Transaction History	Image File Wrapper	Continuity Data	Address & Attorney/Agent
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<b>Application Number:</b>	08/717,042	Customer
<b>Filing or 371 (c) Date:</b>	09-20-1996	Status:
<b>Application Type:</b>	Utility	Status D
<b>Examiner Name:</b>	ELOSHWAY, NIKI MARINA	Locality
<b>Group Art Unit:</b>	3727	Location
<b>Confirmation Number:</b>	6496	Earliest I
<b>Attorney Docket Number:</b>	30-3744CIP	Earliest I
<b>Class / Subclass:</b>	220/001.500	Patent N
<b>First Named Inventor:</b>	IGOR PALLEY, MADISON, NJ (US)	Issue Da
<b>Title of Invention:</b>	BLAST RESISTANT AND BLAST DIF	

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08/717,042      **BLAST RESISTANT AND BLAST DIRECTING C**

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Mail Room Date ↑	Document Description ↓
<b>07-27-2005</b>	Petition for review and processing depending on status
07-27-2005	Information Disclosure Statement (IDS) PPL
<b>07-27-2005</b>	Foreign Reference
10-01-2004	Mail returned to USPTO as undeliverable
<b>10-01-2004</b>	Abandonment
02-19-2004	Non-Final Rejection
<b>02-19-2004</b>	List of references cited by examiner
01-29-2004	Non-Final Rejection
<b>01-29-2004</b>	List of references cited by examiner
01-20-2004	Examiner's search strategy and results
<b>11-05-2003</b>	Appeal Brief Filed
05-06-2003	Notice of Appeal Filed
<b>11-04-2002</b>	Final Rejection
08-27-2002	Miscellaneous Incoming Letter
<b>08-27-2002</b>	Abandonment - After Non-Final Rejection

*TAB 1*

**Honeywell**

**Performance Polymers**

Jeffrey A. Harrison  
Honeywell Polymers Technical Center  
15801 Woods Edge Road  
Colonial Heights, VA 23834  
(804) 520-3027  
(804) 520-3791 Fax

December 3, 2002

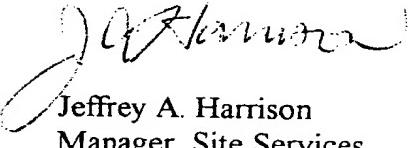
**U.S. Post Office  
29 Franklin Street  
Petersburg, VA 233803**

**Postmaster:**

Please discontinue the use of the Honeywell Technical Center Postage-Due Account effective January 2, 2003. We will also submit a change of address form so that mail received at P.O. Box 31 will be forwarded to 15801 Woods Edge Road, Colonial Heights, Va 23834. I understand that mail be forwarded for one year to the new address.

If you need more information, please call me at the phone number shown above.

**Thank You,**



Jeffrey A. Harrison

Manager, Site Services

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U.S. Postal Service <b>CHANGE OF ADDRESS ORDER</b>		Instructions: Complete Items 1 thru 10. You must SIGN Item 9. Please PRINT all other items including address on face of card.				OFFICIAL USE ONLY	
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3. Is This Move Temporary? (Check one)		4. If TEMPORARY move, print date to discontinue forwarding:		Month	Day	Year	
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Fill in							
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6. Print First Name (or Initial) and Middle Name (or Initial). Leave blank if for a business.							
For Puerto Rico Only - Old mailing address is to remain in effect until otherwise advised by the post office.							
7b. Print OLD mailing address: House/Building Number and Street Name (include St., Ave., Rd., Ct., etc.). Apt./Suite No.      or      PO Box No.      or <input type="checkbox"/> RR/ <input type="checkbox"/> HCR (Check one)      RR/HCR Box No. 311                          State      ZIP Code      ZIP+4 PIETIEIRISBURGI                VA      238803 -							
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8b. Print NEW mailing address: House/Building Number and Street Name (include St., Ave., Rd., Ct., etc.). Apt./Suite No.      or      PO Box No. / <input type="checkbox"/> PMB No. (Check one)      or <input type="checkbox"/> RR/ <input type="checkbox"/> HCR      PMB No. / <input type="checkbox"/> RR/HCR Box No. 15801 WOODS EDGE ROAD      State      ZIP Code      ZIP+4 COLDONIAZ HEIGHTS                VA      23834 -							
9. Sign and Print Name (see conditions on reverse) Sign: <u>J.A. Harrison</u> Print: <u>J.A. HARRISON</u>		10. Date Signed:		Month	Day	Year	OFFICIAL USE ONLY Signature Verification Stamp
See <a href="http://moversguide.usps.com">http://moversguide.usps.com</a> for more information.							

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Docket Number: 37440030 Attorney: VIRGINIA SIEGETH  
 County: United States Agent: RENEE RYMARZ  
 Case Type: Regular Charge SEE: HIGH PERF FIBERS - SPECTRA  
 Relation Type: Continuation-in-Part Current Owner: ALLIEDSIGNAL INC.  
 Filing Type: National Source SBU: [S] X  
 Filing Number: 01 File Location: PB

### BLAST RESISTANT AND BLAST DIRECTION CONTAINER ASSEMBLIES

Other Nos.	Related Id.	Title	Text	Reel/Frame	Patent Product M.	Authorized Vendo	
Filing Data	Related Party Info	Storage	Actions	Abstract	Expenses	Inventor	Licenses
Action			Action Due Date	Completed Date	Responsible Atty #1		
Info Discl. Statement			10/13/1998				
Abandoned				1/18/2001			
PETITION TO REVIVE				4/11/2001			
Info Discl. Statement				7/25/2005			
Info Discl. Statement				7/25/2005			
MISSING PART			12/21/1996	11/26/1996			
Info Discl. Statement			12/29/1996	11/26/1996			
DISCLOSURE STATEMENT			5/19/1997	3/14/1997			
Review For Foreign Filing			6/20/1997	9/20/1997			
DISCLOSURE STATEMENT			11/22/1997	9/19/1997			
DISCLOSURE STATEMENT			12/11/1997	11/6/1997			
Response Due			3/2/1998	3/5/1998			
Response Due			9/3/1998	12/2/1998			
Amendment			5/6/1999	8/31/1999			
Notice of Appeal Due			1/26/2000	4/26/2000			

Created: 10/25/1996 Updated: 7/25/2005 2:43:45 PM By: RBK

Start 7 M. 6 M. 199. Old GEM 2 W. IP... « » 7:23 PM

IPMaster (v1.7.1) - [Patent 46 of 55]

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Docket Number: 37440030      Attorney: VIRGINIA SEIGETI  
 Country: United States      Agent: RENEE PYMARZ  
 Case Type: Regular      Charge SBE: HIGH PERF FIBERS - SPECTRA  
 Relation Type: Continuation-In-Part      Current Owner: ALLIED SIGNAL, INC.  
 Filing Type: National      Source SBU:  
 Filing Number: 01      File Location: PB

### BLAST RESISTANT AND BLAST DIRECTION CONTAINER ASSEMBLIES

Other No's	Related Id	Title	Text	Reel/Frame	Patent Product M	Authorized Vendor	
Filing Date	Related Party Info	Storage	Actions	Abstract	Expenses	Inventors	Licenses
Status: Filed				First Filing Date: 9/25/1996		National Filing Date:	
Sub Status:				Sub Status Date:		Parent Tax Base Date:	
Parent Country:				Parent Filing Date:		Parent Expiration Date:	
Parent Number:	08/533583			Parent Grant Date:			
Application Number:	08/717042			Application Date: 9/20/1996		Tax Base Date:	
Parent Number:				Grant Date:		Next Tax Date:	
Publication Number:				Publication Date:		Expiration Date:	
Convention Type:	Based on Priority Case			Total Claims: 0		Multiple Designs:	
Licensed?				Total Classes:		Designated States:	
				Confirmation Number:		Classification Number:	

Created: 10/25/1996 Updated: 7/25/2005 2:43:45 PM By: RSK

Start | 7 M. | 6 M. | 189 | GL | 2 W. | IP... | 103 Pct

File No. 30-3744 C.P.

S-U 4820

Invention of Gary Alain Herpelt, Igor Palley, Max Wilhelm Beckert

R. Title

Applicant(s) Igor Falley, Gary Allan Harpell, and  
Max Wilhelm Gerlach

**Title (as filed)** Blast Resistant and Blast Directing Container Assemblies

Serial No. 08/717,047

**Filed** Sept. 20, 1996

Originating Attorney RQR  
(USA)

**Current US Attorney**

## ACTIONS

Notice to file Missing Parts	11/19	19	96a
TDS			
File Missing Parts	11/20	19	96b
Interrogatory	11/26	19	96c
Supplementary Interrogatory	12/3	19	97
Supplementary TDS/Pet	11/26	19	97
Supplementary TDS/Pet	11/26	19	97
3rd Dly Response Date	12/5	19	98
Supplementary TDS/Pet	12/5	19	98
Response to Motion	12/12	19	98
TDS	10/13	19	98
Amendment/Terminal Dock	12/13	19	98
Supreme Fiction	3/8	19	99
Chloroform	3/15	19	99
Serial Registration	4/1/2001	19	99
Notice of Appeal	4/30	19	2000
Notice of Abandonment	4/18	19	2001
Notification to Receiver	4/11	19	2001
Ex Parte Brief on Appeal	4/17	19	2001
Granted	4/30	19	2001
Final Action	6/27	19	2001
Response + Brief on Appeal	11/19	19	2002
Appeal Action	6/4/9	19	2002

Assignment to AlliedSignal Inc.

Dated 1/19 1953

Issued \_\_\_\_\_ - 19 \_\_\_\_\_

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HONEYWELL INTERNATIONAL INC  
15801 WOODS EDGE ROAD  
COLONIAL HEIGHTS VA 23834

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OFFICE OF PETITIONS

In re Application of  
Palley et al.  
Application No. 08/717,042  
Filed: September 20, 1996  
Title: Blast Resistant and Blast Directing  
Container Assemblies

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed January 30, 2006.

The petition to withdraw the holding of abandonment is Dismissed.

This above-identified application became abandoned for failure to timely file a response to a non-final Office Action which was mailed on February 19, 2004. The non-final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on May 20, 2004. A Notice of Abandonment was mailed on October 1, 2004.

Petitioner contends that the non-final Office Action mailed on February 19, 2004 was never received. Petitioner states the office action was mailed to an old correspondence address (P.O. Box 31, Petersburg Va.). The correspondence address was changed with the U.S. Postal Service but the USPTO was not notified of the change to the correspondence address. The post office stopped forwarding mail on January 2, 2003. Petitioner has provided a copy of the application file and docket records to establish the office action was not received.

Petitioner's argument has been considered, but deemed unpersuasive. The failure to receive the non-final Office Action was not due to Office error or an irregularity in the mail. Petitioner failed to change the correspondence address of record with the Office. Where an application becomes abandoned as a consequence of a change of

correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. The lack of notification, or belated notification, to the U.S. Patent and Trademark Office of the change in correspondence address does not constitute unavoidable delay. See MPEP 711.03(c). Nor would the failure to promptly change the correspondence allow for withdrawing the holding of abandonment.

Petitioner may wish to file a petition to revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop Petition  
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P.O. Box 1450  
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

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**Randolph Building**  
**401 Dulany Street**  
**Alexandria, VA 22314**

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlene R. Grant

Charlema R. Grant  
Petitions Attorney  
Office of Petitions